

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SHERWIN MATHEW,

Plaintiff,

vs.

HY-VEE, INC., and BRIAN D. BRIGGS,

Defendants.

8:24CV303

**SECOND AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the Stipulation and Joint Motion to Continue Progression Order ([Filing No. 25](#)). After review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Stipulation and Joint Motion to Continue Progression Order ([Filing No. 25](#)) is granted, and the amended case progression order is amended as follows:

- 1) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendants: **September 18, 2025**

- 2) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff: **September 18, 2025**
For the defendants: **October 9, 2025**
Plaintiff's rebuttal: **December 23, 2025**

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **December 23, 2025**.
- 4) The planning conference set for September 24, 2025, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **January 5, 2026, at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is **January 6, 2026**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 20, 2026**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 18th day of June, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge